

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of: Medina *et al.*

Confirmation No. 4305

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Serial No.: 10/015,532

Group Art Unit: 1624

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Filed: December 11, 2001

Examiner: McKenzie, Thomas C.

For: CXCR3 ANTAGONISTS

Attorney Docket No.: 11134-005-999

**RESPONSE TO RESTRICTION REQUIREMENT**Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants have carefully considered the Restriction Requirement mailed December 24, 2002, in connection with the above-captioned application. In response, Applicants file herewith new Figure 19 and a Petition for Extension of Time extending the deadline for responding to the Restriction Requirement by two months to and including March 24, 2003.

**REMARKS****I. DRAWINGS**

Applicants submit herewith new Figure 19. Applicants submit that new Figure 19 has been revised merely to correct the informalities indicated by the Draftperson on December 20, 2002. Since new Figure 19 is fully supported by original Figure 19 and thus contains no new matter, please replace original Figure 19 with new Figure 19.

**II. RESTRICTION**

In response to the Restriction Requirement, Applicants provisionally elect to prosecute the claims of Group I, drawn to pyridopyrimidines, with traverse.

Applicants respectfully submit that the PTO's restriction between "parts of" Claims 136, 138, 140-159, 161-170, 187-190, 193-197 and 202-204 in Groups I and II is improper. Under the controlling legal standard, restriction under 35 U.S.C. § 121 of the subject matter of a single claim is improper and impermissible. The Court of Customs and Patent Appeals extensively discussed and decided this issue in *In re Weber, Soder, and Boksay*, 198 U.S.P.Q. 328 (C.C.P.A., 1978) ("*Weber*"). In that case, the Court stated that